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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,

Plaintiff,
v.

CHRISTOPHER WAGNER,

Defendant.

) NO. 3:21-mj-71960-MAG

) **STIPULATION TO CONTINUE**
) **PRELIMINARY HEARING AND**
) **EXCLUDE TIME FROM JANUARY 3,**
) **2022 TO FEBRUARY 18, 2022 AND**
) **[PROPOSED] ORDER**

The parties are currently scheduled to appear before the Court on **January 3, 2022** at 12:00 noon for a preliminary hearing. The parties hereby stipulate and agree to request a continuance of the matter until **February 18, 2022** to allow additional time for the parties to engage in discussions about potential resolution prior to Indictment, and defense is still reviewing discovery. Believing such discussions to be in the interests of justice, the parties represent that good cause exists and therefore agree to extend the deadlines for a preliminary hearing under Rule 5.1(d) of the Federal Rules of Criminal Procedure and exclude time under the “Speedy Indictment” provisions of the Speedy Trial Act. *See* 18 U.S.C. § 3161(b). Accordingly, the parties hereby stipulate and agree to respectfully request the Court to vacate the hearing date of **January 3, 2022** and to set a new

1 hearing date on **February 18, 2022** for preliminary hearing or arraignment before the Duty
2 Magistrate Judge. The parties also stipulate and agree to request that the time between **January 3,**
3 **2022** and **February 18, 2022** be excluded to facilitate discussions related to resolution prior to
4 Indictment pursuant to 18 U.S.C. § 3161(h)(7).

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6 IT IS SO STIPULATED.

7 DATED: 1/3/2022

_____/s/_____
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KENNETH CHAMBERS

9 Assistant United States Attorney

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12 DATED: 1/3/2022

_____/s/_____
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DANIEL BLANK

14 Counsel for Defendant Christopher Wagner
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[PROPOSED] ORDER

The above-entitled matter is currently scheduled for preliminary hearing on **January 3, 2022**, at noon. The parties are requesting a continuance until **February 18, 2022**. The parties are seeking this continuance in order to engage in discussions about potential resolution of this matter prior to Indictment. With the consent of the United States, and taking into account the public interest in the prompt disposition of criminal cases, the court sets the preliminary hearing to the date set forth below, and based on parties' showing of good cause, finds good cause for extending the time limits for a preliminary hearing under Federal Rule of Criminal Procedure 5.1 and for extending the 30-day time period for an indictment under the Speedy Trial Act (based on the exclusions set forth above). *See* Fed. R. Crim. P. 5.1; 18 U.S.C. § 3161(b).

The parties have agreed to waive and exclude time for the preliminary hearing under the Speedy Trial Act. The government has no objection to this proposed continuance. Therefore, for good cause shown the hearing currently scheduled on **January 3, 2022** shall be vacated. The matter shall be continued until **February 18, 2022**. The time shall be excluded from the running of the speedy trial clock for effective preparation of counsel under U.S.C. § 3161(h)(7).

IT IS SO ORDERED.

Dated: _____

By: _____
HON. SALLIE KIM
UNITED STATES MAGISTRATE JUDGE